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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,607	10/22/2003	Haruo Akiba	244330US3	4812

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,607	<b>Applicant(s)</b> AKIBA, HARUO	
	<b>Examiner</b> Matthew J. Kasztejna	<b>Art Unit</b> 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application is in condition for allowance except for the following formal matters:

#### ***Claim Objections***

Claim 10 is objected to because of the following informalities: syringe is spelled wrong in line 3 of claim 10. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 7-9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5, 7-9 and 12 positively recite one or more of the limitations: liquid feed adapter, liquid feed port, liquid injection port, and mouth piece from the preamble. There is insufficient antecedent basis for this limitation in the respective claims.

#### ***Allowable Subject Matter***

Claim 1-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is an examiner's statement of reasons for allowance:

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest the apparatus as recited in claims 1-12 of the instant invention comprising, *inter alia* an endoscopic liquid feed device comprising a liquid

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feed adapter having a check valve, a stopper ring and a nut member rotatably fitted to move between the stopper ring and a flange portion; also having a mouth piece to threadably engage with the nut member and a Luer-Lok portion to which a syringe can be detachably connected.

Krauter et al. (U.S. Patent No. 4,649,904) disclose a biopsy seal for a luer lock end fitting for a biopsy channel of an endoscope. The seal comprises a liquid feed adapter constituted by a Luer Lok member having a check valve 60, a stopper ring 68 and a mouth piece 16 which is capable of detachably receiving a pressurized fluid means (see Fig. 4). Krauter et al. fail to teach of a nut member rotatably fitted on the Luer Lok member which engages with a threaded portion provided on the mouth piece as recited in claim 1 of the instant invention. Furthermore, there Krauter et al. fails to teach or fairly suggest of any member or portion capable of being axially moveable on or within the seal.

Kawand (U.S. Patent No. 5,865,858) disclose a slidable seal used to prevent liquid leakage. The slidable seal is adapted to slid over and seal the connection between an introduction guide, through which a catheter is placed, and a hemostasis valve of the sheath, after insertion of the sheath into the patient's body and thereby form a liquid seal between the introduction guide and the sheath (see Col. 2, Lines 19-55). However, the device of Kawand is a one-piece device wherein the sealing portion and the body portion are both integrally formed into a unitary structure, unlike the separate members, the liquid feed adapter and the mouth piece, which are adapted to engage connectively as recited in claim 1 of the present invention.

Fleishhaker et al. (U.S. Patent No. 5,114,408) disclose a valve which includes a longitudinally extended housing having first and second opposing ends, a cap means enclosing the first end and having an opening to permit insertion of a dilator or catheter into the longitudinally extended housing and a one-piece seal means located within the central passage of the longitudinally extended housing. The seal means is provided with a sealing neck in communication with a slit disc face which is concave in the direction of the second open end. The second end of the valve housing is attached to a sheath which can be inserted into the vasculature (see Fig. 1). Fleishhaker et al. fails to teach or fairly suggest of a nut member capable of being axially moveable on the seal and threadably engagable with a mouth piece member as recited in claim 1 of the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK *MK*

5/27/05

*Beverly M. Flanagan*  
BEVERLY M. FLANAGAN  
PRIMARY EXAMINER